REMARKS

Status of Claims

The Office Action mailed 12 January 2007 has been received and reviewed. Each of claims 1-161 stands rejected. Claims 1, 34 80, 93, 94, 107, 115, and 135 are amended and claims 67-79, 121-134, and 149-161 are canceled. Reconsideration of the present application in view of the following remarks and above amendments is respectfully requested.

Substance of the Interview

Applicant thanks Examiner Avellino for granting the interview on 07 March 2007 and for considering the arguments regarding the deficiencies of the prior art, including Buxton. During the interview, Applicant discussed a proposed amendment to the independent claims to clarify that distributable content delivered by embodiments of the claimed invention is updated at specified intervals. Examiner Avellino indicated that further consideration of the proposed amendment was necessary. Examiner Avellino agreed that the 112 first paragraph rejection of the computer readable medium limitation of claims 80-92 and 135-148 would be withdrawn, after Applicant discussed the 35 U.S.C. § 101 and 112 rejections.

Rejections based on 35 U.S.C. § 101

Claims 93-98, 102-126, 130-140, 144-161 stand rejected under 37 C.F.R. 101 because they recite embodiments of the invention that are not tangible.

Independent claim 93 defines a system that distributes content. Applicant has amended independent claim 93 to overcome this rejection. Claim 93 is amended to include a content storage device that communicates with other tangible components when distributing content.

Accordingly, Applicant respectfully requests withdrawal of the nonstatutory subject matter rejection of claim 93.

Claims 94-106 depend, directly or indirectly, from claim 93. For at least the reason set forth above with respect to claim 93, dependent claims 94-106 provide tangible elements. Accordingly, Applicant respectfully requests withdrawal of the non-statutory subject matter rejection of claims 94-106.

Independent claim 107 defines a method that employs a viewing device, which is a tangible component, to view distributable content. Contrary to the Office's allegations, claim 107 includes a tangible component. Accordingly, Applicant respectfully requests withdrawal of the non-statutory subject matter rejection of claim 107.

Claims 108-120 depend, directly or indirectly, from claim 107. For at least the reason set forth above with respect to claim 107, dependent claims 108-120 provide tangible elements. Accordingly, Applicant respectfully requests withdrawal of the non-statutory subject matter rejection of claims 108-120.

Independent claim 135 defines a computer readable medium that employs a computer to distribute content. Contrary to the Office's allegations, claim 135 include tangible components associated with a computer. Accordingly, Applicant respectfully requests withdrawal of the non-statutory subject matter rejection of claim 135.

Claims 136-148 depend directly, or indirectly, from claim 135. For at least the reason set forth above with respect to claim 135, dependent claims 136-148 provide tangible elements. Accordingly, Applicant respectfully requests withdrawal of the non-statutory subject matter rejection of claims 136-148.

Rejections based on 35 U.S.C. § 112

Claims 80-92 and 135-148 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office contends that claims contain subject matter, i.e. "computer readable medium," which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant point the Office to at least paragraph [0015] of Applicant's specification that describes a server in communication with a database. The database as described in Applicant's specification supports the claimed computer-readable media. Further one of ordinary skill in the art at the time of Applicant's invention understood how to make and use computer readable media. See MPEP § 2163. Accordingly, applicant respectfully requests the Office to withdrawal the enablement rejection.

Claim 115 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 115 is amended to correct its dependency. Accordingly, applicant respectfully requests withdrawal of the indefiniteness rejection.

Rejections based on 35 U.S.C. § 102

A) Anticipation Rejections Based on US 2003/0204856("Buxton")

Claims 1, 4-8, 14-16, 18-21, 25-30, 33, 34, 37-41, 47-49, 51-54, 58-63, 66, 67, 70, 71, 73-80, 83, 84, 86-92, 149, 152, 153, and 155-161 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Buxton. Independent claims 1, 34, and 80 are amended to overcome this rejection and to place the application in condition for allowance.

Independent claim 1, is currently amended to include, among other things, a content storage communicating with a collection engine to store distributable content and to update the distributable content at specified intervals. Applicant respectfully submits that the prior art, including Buxton, fails to disclose all elements of claim 1.

Unlike the prior art, the invention of claim 1 requires a collection engine that updates the content storage with content at specified intervals. Buxton fails to disclose the currently amended limitation of claim 1. Accordingly, for at least the above reason, the anticipation rejection of claim 1 should be withdrawn.

Dependent claims 2-33 further define novel features of the invention of claim 1 and each depend, either directly or indirectly, from independent claim 1. Accordingly, for at least the reasons set forth above with respect to independent claim 1, dependent claims 2-33 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. 1.75(c). As such, withdrawal of the anticipation rejection of dependent claims 2-33 is respectfully requested.

Independent claims 34 and 80 are currently amended to include, among other things, distributable content comprises a subset of the distributable content corresponding to requests from subscribers in the subscriber group. Applicant respectfully submits that the prior art, including Buxton, fails to disclose all elements of claims 34 and 80.

Unlike the prior art, the invention of claims 34 and 80 require the content storage to selectively distribute content that includes a subset of distributable content associated with requests from other subscribers in the group of subscribers. Buxton fails to disclose the currently amended limitation of claims 34 and 80. Accordingly, for at least the above reason, the anticipation rejection of claims 34 and 80 should be withdrawn.

Dependent claims 35-66 and 81-92 further define novel features of the invention of claims 34 and 80 and each depend, either directly or indirectly, from independent claims 34 and

80. Accordingly, for at least the reasons set forth above with respect to independent claims 34 and 80, dependent claims 35-66 and 81-92 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. 1.75(c). As such, withdrawal of the anticipation rejection of dependent claims 35-66 and 81-92 is respectfully requested.

Rejections based on 35 U.S.C. § 103(a)

A.) Obviousness Rejections Based on Buxton

Claims 2, 3, 9-13, 17, 31, 32, 35, 36, 42-46, 50, 64, 65, 68, 69, 72, 81, 82, 85, 150, 151, and 154 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buxton. As the asserted references, whether taken alone or in combination, fail to teach or suggest all the limitations of the rejected claims, Applicant respectfully traverses the rejection as hereinafter set forth.

Claims 2, 3, 9-13, 17, 31, 32, 35, 36, 42-46, 50, 64, 65, 81, 82, and 85 depend from independent claims 1, 34, and 80. As discussed above, Buxton fails to teach or suggest all the limitations of amended independent claims 1, 34 and 80. Accordingly, claims 2, 3, 9-13, 17, 31, 32, 35, 36, 42-46, 50, 64, 65, 81, 82, and 85 are patentable over Buxton for at least the above-cited reasons. As such, withdrawal of the obviousness rejection of dependent claims 2, 3, 9-13, 17, 31, 32, 35, 36, 42-46, 50, 64, 65, 81, 82, and 85 is respectfully requested.

B.) Obviousness Rejections Based on Buxton in view of US 2003/0131075 ("Bear")

Claims 22 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buxton in view of Bear. As the asserted references, whether taken alone or in combination, fail to teach or suggest all the limitations of the rejected claims, Applicant respectfully traverses the rejection as hereinafter set forth.

Claims 22 and 55 depend from independent claims 1 and 35. As discussed above, Buxton fails to teach or suggest all the limitations of amended independent claims 1 and 35. Accordingly, claims 22 and 55 are patentable over Buxton for at least the above-cited reasons. The addition of Bear fails to cure the deficiencies of Buxton with respect to the limitations of claims 1 and 35. As such, withdrawal of the obviousness rejection of dependent claims 22 and 55 is respectfully requested.

C.) Obviousness Rejections Based on Buxton in view of US 2004/0010717("Simec")

Claims 23, 24, 56, and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buxton in view of Simec. As the asserted references, whether taken alone or in combination, fail to teach or suggest all the limitations of the rejected claims, Applicant respectfully traverses the rejection as hereinafter set forth.

Claims 23, 24, 56, and 57 depend from independent claims 1 and 35. As discussed above, Buxton fails to teach or suggest all the limitations of amended independent claims 1 and 35. Accordingly, claims 23, 24, 56, and 57 are patentable over Buxton for at least the above-cited reasons. The addition of Simec fails to cure the deficiencies of Buxton with respect to the limitations of claims 1 and 35. As such, withdrawal of the obviousness rejection of dependent claims 22 and 55 is respectfully requested.

D.) Obviousness Rejections Based on Buxton in view of US Patent No. 7,155,674 ("Breen")

Claims 93-99, 102-113, 116-127, 130-141, and 144-148 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buxton in view of Breen. Independent claims 93, 107, and 135 are amended to overcome this rejection and to place the application in condition for allowance.

Independent claims 93, 107, and 135 are currently amended to include, among other things, a user interface that provides a list of distributable content that is dynamically updated to include popular content based on a number of requests of the popular distributable content received from subscribers in the subscriber group. Applicant respectfully submits that the prior art, including Buxton and Breen, singularly or in combination, fails to disclose all elements of claims 93, 107, and 135.

Unlike the prior art, the invention of claims 93, 107, and 135 dynamically updates content storage based on a number of requests of the popular distributable content received from subscribers in the subscriber group. Buxton and Breen, singularly or in combination, fail to disclose the currently amended limitation of claims 93, 107, and 135. Accordingly, for at least the above reason, the obviousness rejection of claim 93, 107, and 135 should be withdrawn.

Dependent claims 94-106, 108-120, and 136-148 further define novel features of the invention of claims 93, 107, and 135 and each depend, either directly or indirectly, from independent claims 93, 107, and 135. Accordingly, for at least the reasons set forth above with respect to independent claim 93, 107, and 135, dependent claims 94-106, 108-120, and 136-148 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. 1.75(c). As such, withdrawal of the obviousness rejection of dependent claims 94-106, 108-120, and 136-148 is respectfully requested.

E.) Obviousness Rejections Based on Buxton in view of Breen and Simec

Claims 100, 101, 114, 115, 128, 129, 142, and 143 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buxton in view of Breen in view of Simec. As the asserted references, whether taken alone or in combination, fail to teach or suggest all the limitations of the rejected claims, Applicant respectfully traverses the rejection as hereinafter set forth.

Claims 100, 101, 114, 115, 142, and 143 depend from independent claims 93, 107, and 135. As discussed above, Buxton in view of Breen fail to teach or suggest all the limitations of amended independent claims 93, 107, and 135. Accordingly, claims 100, 101, 114, 115, 142, and 143 are patentable over Buxton and Breen for at least the above-cited reasons. The addition of Simec fails to cure the deficiencies of Buxton and Breen with respect to the limitations of claims 93, 107, and 135. As such, withdrawal of the obviousness rejection of dependent claims 100, 101, 114, 115, 142, and 143 is respectfully requested.

CONCLUSION

For the reasons stated above, claims 1-66, 80-120, and 135-148 are now in condition for allowance. Applicant's respectfully request withdrawal of the pending rejections and allowance of claims 1-66, 80-120, and 135-148. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required (or to credit any overpayment) to Deposit Account No. 19-2112 referencing Attorney Docket No. MFCP.102769.

Respectfully submitted,

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